

REMARKS

Claims 1-24 are pending in the Application. Claim 1 is rejected under 35 U.S.C. §112, second paragraph. Claims 1-24 are rejected under 35 U.S.C. §103(a). Applicants have amended the Specification as indicated above. Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request that the Examiner reconsider and withdraw these rejections.

Applicants appreciate the Examiner discussing the Office Action, and in particular the rejection of claim 1 under 35 U.S.C. §112, second paragraph, with Applicants' attorney on May 5, 2004.

I. AMENDMENTS TO THE SPECIFICATION:

The Examiner has noted that the term "Java" is a trademark and should be noted as such in the Specification. Paper No. 3, page 2. Consequently, Applicants have amended the Specification to indicate that the term "Java" is trademarked.

II. REJECTIONS UNDER 35 U.S.C. §112:

The Examiner has rejected claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Paper No. 3, page 2. In particular, the Examiner states that "the structure limitation does not limit the process of steps and or actions. Line 6-7, it is unclear whether it is step or action of the process. In the previous steps (lines 3-5) specifies the steps of the claim." Paper No. 3, page 3. As understood by the Applicants, the Examiner is rejecting claim 1 under 35 U.S.C. §112, second paragraph, because it includes a "wherein" clause. Applicants respectfully contend that having a "wherein" clause does not provide a basis for rejection under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully assert that claim 1 is allowable under 35 U.S.C. §112, second paragraph,

and respectfully request the Examiner to withdraw the rejection of claim 1 under 35 U.S.C. §112, second paragraph.

The basis for the above-cited rejection under 35 U.S.C. § 112, second paragraph, is when the scope of the claimed subject matter cannot be determined by one having ordinary skill in the art. M.P.E.P. § 706.03(d). Applicants respectfully assert that the scope of the claimed subject matter in claim 1 can be determined by one having ordinary skill in the art. Consequently, Applicants respectfully assert that claim 1 is allowable under 35 U.S.C. §112, second paragraph, and respectfully request the Examiner to withdraw the rejection of claim 1 under 35 U.S.C. §112, second paragraph.

III. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claims 1-16 under 35 U.S.C. §103(a) as being unpatentable over Kurtzberg et al. (U.S. Patent No. 6,120,552) (hereinafter "Kurtzberg") in view of Bowen et al. (U.S. Patent No. 6,094,649) (hereinafter "Bowen"). The Examiner has further rejected claims 17-24 under 35 U.S.C. §103(a) as being unpatentable over Kurtzberg in view of Bowen and in further view of Bell (U.S. Patent No. 6,275,978).

The reference Kurtzberg, which may qualify as prior art under 35 U.S.C. § 102(e), does not preclude patentability under 35 U.S.C. §103 since Kurtzberg and the claimed invention in claims 1-24 were at the time the invention was made, subject to an obligation of assignment to the same person, which in this case was International Business Machines Corporation. 35 U.S.C. §103(c). Thus, Kurtzberg is disqualified as being used as a prior art reference under 35 U.S.C. §103(c). Consequently, the rejections of claims 1-24 are moot.

IV. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-24 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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